CO, Hq. 66th CIC Group, USAREUR, APO 154, US Army
Attn: Mr. W.L. Parkinson, CS Office 12 January 1955

T.C. Hughes, OCA

Bundesamt fuer Verfassungsschutz
Re: The Elli KINDERMANN Case

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CENTRAL INTELLIGENCE AGENCY
SOURCES METHODS EXEMPTION 3B2B
NAZI WAR CRIMES DISCLOSURE ACT
DATE 2006

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1. Reference is made to my memo of 27 December 1954, file Bv-54-2877, SUBJECT as above, and to previous correspondence on this Subject.

2. On 29 December 1954, Mr. R.D. Shea of OCA and I called on Ministerialdirigent Walter BARGATZKY, head of sub-department (Unterabteilung) VI-A of the Federal Interior Ministry, for the purpose of discussing the KINDERMANN case and of assuring ourselves that Interior Ministry officials were fully aware of the possible grave consequences to the Bundesamt fuer Verfassungsschutz and the Interior Ministry which might arise from it. We were cordially received by BARGATZKY and after an exchange of seasonal pleasantries we immediately launched into the purpose of our visit.

3. After listening attentively to our expression of concern for the possible serious consequences for the BfV and the Interior Ministry which might result from a disclosure to the public of the BfV's culpability in its conduct of the case, BARGATZKY said that he had just received a verbal report from provisional President Hans JESS on the case and that he, too, was aware of the gravity of the matter. Although he did not discuss the details of his discussion with JESS on the subject, it seemed evident that the discussion had been concerned with that information, previously reported to your Headquarters, which Dr. Guenther NOLLAU of the BfV had learned from the Oberbundesanwalt during his recent trip to KARLSRUHE.

4. BARGATZKY said that he felt, in general, that of the two actions initiated by the CRA, prosecution of Frau KINDERMANN and possible lodgment of criminal charges against BfV employees Hans PIETSCH and Johannes STRUEBING alias STAHLMANN, he regards the latter possibility as the one most likely to result in unfavorable publicity and serious consequences for the BfV and the Interior Ministry. His reasoning was that KINDERMANN would be prosecuted only on the basis of that activity which she actually performed for the Czech IS and that the question of the BfV's culpability need not, therefore, arise during the trial but that, on the other hand, any trial of PIETSCH or STRUEBING or both would of necessity have to concern itself with their very questionable conduct of the KINDERMANN operation, conduct not only susceptible to severe criticism but also possibly criminal.

5. In addition, BARGATZKY said that he regarded the situation as being more grave for the Interior Ministry than for the BfV. His basis for this feeling is that, as he stated, all political parties are generally in basic agreement that the Verfassungsschutz system must be retained but that the political opposition (SPD) would probably seize upon the BfV's conduct of the KINDERMANN case, should the details become known, as another

opportunity to attack the Interior Minister personnaly and again demand his removal, as his removal was demanded by them in the Otto JOHN case. He reasoned that their charges would be that the Minister was, in the final analysis, responsible for the BfV and that his lack of adequate supervision of the BfV had not only led to a situation where it was possible for the BfV to conduct such an operation but that subsequent to the KINDERMANN case the Interior Minister had not only not taken any measures to prevent a repetition of such reprehensible BfV activity but had also not taken any energetic disciplinary action against those responsible.

6. I pointed out to BARGATZKY that I felt that in addition to the gravity of the situation with respect to the possible case against PIETSCH and STRUEBING he should not overlook the danger inherent in prosecution of KINDERMANN. I called his attention to the fact that although KINDERMANN could not be charged on the basis of her conduct of espionage activity as a dupe of the BfV, it was this activity which was the immediate and compelling reason for her arrest by the SS and that surely she or her lawyer would be curious as to the reason for the court's omission of these specifications in the charges against her. Such curiosity could, logically, lead to the disclosure of the BfV's culpable methods.

7. BARGATZKY accepted this point and agreed that it would also be necessary for all concerned to exercise the utmost discretion with respect to KINDERMANN's trial. He said that he also felt, and had so recommended to JES5 and would so recommend to the Minister, that PIETSCH at least should be suspended from duty pending the outcome of a disciplinary procedure which should be formally initiated against him rather than continuation of the informal inquiry which has thus far been conducted by the Interior Ministry. BARGATZKY also said that he would call the entire matter to the attention of the Interior Minister at the first available opportunity in order that high-level attention could be given to the case.

8. For your information.

Control copy to:
Mr. W.L. Parkinson

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panl PIETSCH
panl STAHLMANN